

NOT FOR PUBLICATION

(Document No. 50)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

WYNDHAM HOTELS AND  
RESORTS, LLC

Plaintiff,

V.

NORTHSTAR MT. OLIVE, LLC, and  
MANISH PATEL, and ANIL PATEL,

Defendants.

Civil No. 10-2583 (RBK/AMD)

## ORDER

**KUGLER**, United States District Judge:

**THIS MATTER** having come before the Court upon Plaintiff's motion for summary judgment (Doc. No. 50), and the Court having considered the moving papers and responses thereto; and for the reasons expressed in the Opinion issued this date;

**IT IS HEREBY ORDERED** that Plaintiff's motion for summary judgment is **GRANTED IN PART** and **DENIED IN PART**. The Court grants summary judgment for Plaintiff as to liability for its Lanham Act, Breach of Contract, and declaration of personal liability claims (First, Third, Fifth, and Seventh Counts), but denies summary judgment on Plaintiff's claims for money damages. The Court grants Plaintiff's motion for summary judgment on Defendant's Counterclaims for unconscionability (Count I) and negligent

misrepresentation (Count III). It denies Plaintiff's motion for summary judgment on the remaining Counterclaims.

**IT IS HEREBY FURTHER ORDERED** that Defendants, their affiliates, subsidiaries, officers, agents, servants, employees and attorneys, and all those who act in concert or participation with them, are permanently enjoined from marketing, promoting, or selling guest lodging services at their hotel facility located in Mt. Olive, New Jersey through and with Plaintiff's Wyndham Marks.

Dated: 3/28/13

/s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge